

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
(Alexandrea Division)

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|                      |   |              |
|----------------------|---|--------------|
| IN RE:               | ) | 23-10566-KHK |
|                      | ) |              |
| EAGLE PROPERTIES AND | ) | Chapter 7    |
| INVESTMENT, LLC      | ) |              |
|                      | ) |              |
| Debtor.              | ) |              |
|                      | ) |              |

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**AMENDED**

**RESPONSE TO CHAPTER 7 TRUSTEE'S MOTION TO APPROVE SALE OF  
1010 LYNN ST., SW, VIENNA, VA FREE AND CLEAR OF LIENS, CLAIMS AND  
INTERESTS PURSUANT TO 11 U.S.C. §§ 363(f) [DOCKET NO. 414] AND  
CHAPTER 7 TRUSTEE'S MOTION TO APPROVE SALE OF  
449 LAWYERS RD, NW VIENNA, VA FREE AND CLEAR OF LIENS, CLAIMS  
AND INTERESTS PURSUANT TO 11 U.S.C. §§ 363(f) [DOCKET NO. 415]**

Gus Goldsmith (“Goldsmith”), by his undersigned counsel, files this response to the *Chapter 7 Trustee's Motion To Approve Sale of 1010 Lynn St., SW, Vienna, VA Free And Clear of Liens, Claims and Interests Pursuant to 11 U.S.C. §§ 363(F)* (the “Lynn Sale Motion,” Docket No. 414) and the *Chapter 7 Trustee's Motion To Approve Sale of 449 Lawyers Rd, NW Vienna, VA Free and Clear of Liens, Claims and Interests Pursuant to 11 U.S.C. §§ 363(f)* (the “Lawyers Sale Motion,” Docket No. 415, and collectively with the Lynn Sale Motion, the “Motions”), and states as follows:

1. On January 7, 2022, Eagle Properties and Investment, LLC (“Debtor”) executed a Commercial Deed of Trust Note (the “Note”) with Goldsmith, whereby Goldsmith agreed to lend to Debtor the principal amount of \$260,000.00. A copy of the Note is attached as **Exhibit A**.

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Counsel for Gus Goldsmith

2. On January 7, 2022, Debtor executed a Deed of Trust (“DOT”), attached hereto as

**Exhibit B.** The DOT pledges, as security for the Note, the properties located at 1010 Lynn St., SW, Vienna, VA and 449 Lawyers Rd, NW Vienna, VA (the “Lawyers Property,” and collectively with the Lynn Property, the “Properties”).

3. The balance due under the Note as of April 30, 2024, will be \$334,336.42, with \$128.10 accruing *per diem*. *See Exhibit C.*

4. Goldsmith consents to the entry of orders approving the Motions so long as said orders provide that Goldsmith shall be paid the full amount of his debt upon the sale of either Property, or otherwise consent in writing to a discounted payoff.

Dated: May 14, 2024

Respectfully submitted,

MCNAMEE, HOSEA, P.A

/s/ Justin P Fasano  
Justin P. Fasano (Bar No. 75983)  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on May 14, 2024 , a copy of the forgoing was served via CM/ECF to all parties receiving notice thereby.

/s/ Justin P. Fasano  
Justin P. Fasano